



COMMONWEALTH OF MASSACHUSETTS

Board of Registration  
of  
Hazardous Waste Site Cleanup  
Professionals

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PROFESSIONAL CONDUCT COMMITTEE

Minutes of Meeting on April 13, 2010

[Approved on June 24, 2010]

**Prepared by:** Terry Wood

**Meeting Location:** MASSDEP, Central Regional Office, Worcester, MA

1. **Call to Order:** Robert Luhrs called the meeting to order at 1:48 p.m. Also present were Gail Batchelder, Janine Commerford, Deborah Farnsworth, Kirk Franklin, Jack Guswa, Gretchen Latowsky, Kelley Race and Debra Stake. Board members absent: Christophe Henry. Staff members present were Terry Wood, Lynn Read and Al Wyman. Also present were Wes Stimpson of the LSP Association and Tom Potter of MassDEP.
2. **Announcements:** Mr. Luhrs requested that a discussion regarding staffing issues be added to the agenda under new business.
3. **Previous Minutes:** The draft minutes of the meeting held on February 18, 2010 were approved with one minor edit.
4. **Old Business**

**A. Status of CRTS**

At Mr. Luhrs's request, the chair of each CRT reported on progress made since the October meeting. Mr. Luhrs also noted that the Board had held a public meeting earlier today regarding discipline in case 99C-11/00C-14.

**B. Information regarding how long other professional boards keep disciplinary information on their Web sites**

Ms. Wood stated that, at the Committee's last meeting in February, the Committee had requested that she obtain information from other professional licensing boards regarding how long these boards keep disciplinary information regarding particular licensees available on their Web sites. She stated that the Committee had requested this information after

discussing a request by an LSP who had been disciplined within the last year and a half that his disciplinary information be removed from the Board's Web site. The Committee decided at the February meeting not to change its current policy of keeping this information available on the Web site indefinitely but requested this information regarding the practices of other boards.

Ms. Wood stated that she had reviewed the Web sites of a few other boards. The Massachusetts Board of Registration in Medicine keeps disciplinary information available under individual doctors' profiles for ten years. The Massachusetts Board of Bar Overseers keeps individual attorney disciplinary information available on its Web site indefinitely as does the Massachusetts Board of Professional Licensure for its professional licensees. The New Hampshire Professional Engineers (PE) Web site does not list disciplinary information under individual PE's profiles. The Committee took this information under advisement.

## **5. New Business**

### **A. Discussion regarding staffing issues**

Mr. Luhrs stated the recent reduction of the Board's staff from six to three has raised significant challenges for the staff to keep up with the administrative and disciplinary work of the Board. At this point, Ms. Read stated that she had a related issue to discuss with the Committee regarding the pending appeal in the case of 06C-08. Considering that this case is currently on appeal, Ms. Wood, as the prosecuting attorney in this case, left the room at this point.

Ms. Read stated that the letter of appointment that had been sent to Tim Jones, the hearing officer from MassDEP Office of Appeals and Dispute Resolution who will be presiding over the appeal in this case, noted that the Board had a goal of commencing the hearing within 180 days after receipt of an Answer from an LSP. She stated that Ms. Wood was not certain that she would be able to meet that goal due to the fact that she has taken on many of the tasks that had been performed by the former staff and requested that the Committee inform Mr. Jones of these circumstances. Ms. Read requested that the Board communicate directly with Mr. Jones to describe the Board's loss of staffing and Ms. Wood's circumstances and request that Mr. Jones apply the Board's timeline goals in a flexible manner to take those circumstances into account. The Committee directed Ms. Read to draft a letter to be signed by one of the Committee co-chairs acknowledging that Mr. Jones intended to comply with the Board's guidelines but that the timeline is not mandatory, that Ms. Wood faces extraordinary circumstances that make it difficult, if not impossible, to comply with the timeline goals, and requesting that Mr. Jones take a flexible approach to scheduling the adjudicatory proceedings in LSP 10AP 02.

Ms. Wood rejoined the meeting.

## **6. Future Meetings**

The Committee is scheduled to meet on May 20 at MassDEP's Western Regional Office in Springfield.

**7. Adjournment:** The meeting was adjourned at 2:08 p.m.